



Entered on Docket
November 03, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Ocean Atlantic (Second) Loan**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Ocean Atlantic (Second) Loan ("Ocean Atlantic (Second) Loan") [DE 9103] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Ocean Atlantic (Second)
2 Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 9103] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Ocean Atlantic (Second) Loan.
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 _____ I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
9 failed to respond, as indicated below [list each party and whether the
document]:

10 Counsel appearing: _____

11 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
12 copy of this order with the motion pursuant to LR 9014(g), and that
13 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
17 Other Party: _____	
18 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
19 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

21 Submitted by:
22 LEWIS AND ROCA LLP

23 By: /s/ John Hinderaker. (AZ #018024)
24 Attorneys for USACM Liquidating Trust

25
26 # # #

USACM Trust

Ocean Atlantic

Single Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Ocean Atlantic Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Ocean Atlantic Loan
10725-00161	8/14/2006	Chiappetta Trust Dated 4/1/03	C/O Pat And Joann Chiappetta Trustees 118 Bee Creek Court Georgetown, TX 78633	50,000.00	50,000.00
10725-00344	9/28/2006	John & Janet Marasz Trust Dtd 12/2/04	C/O John T & Janet F Marasz Ttees PO Box 38 Sun Valley, CA 91353-0038	150,000.00	150,000.00
10725-01515	11/29/2006	The Estate of Lily Markham and Irene Ann Markham-Tafoya	709 Brightwater Drive Las Vegas, NV 89123	50,000.00	50,000.00
10725-01511	11/29/2006	Morgan, Rosalie	6869 Eagle Wing Drive Sparks, NV 89436	100,878.00	100,878.00
10725-00044	5/11/2006	Simmtext Inc A Nevada Corp	Jed Barish 4375 Spencer Street Las Vegas, NV 89119	50,000.00	50,000.00
10725-01179	10/30/2006	Sterling, Tom	213 Royal Aberdeen Wy Las Vegas, NV 89144	25,000.00	25,000.00
10725-01005	10/27/2006	Yonai Trustee, Gregory D	1982 Country Cove Ct Las Vegas, NV 89135-1552	27,900.00	27,900.00

EXHIBIT A